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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,059	01/23/2004	Douglas Durham	15436.164.1	7603
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Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			EXAMINER HAMZA, FARUK	
			ART UNIT 2455	PAPER NUMBER
			MAIL DATE 05/27/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,059

Applicant(s)

DURHAM ET AL.

Examiner

FARUK HAMZA

Art Unit

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 33-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. This action is responsive to the amendment filed on February 24, 2009. Claim 1 has been amended. Claims 15-32 have been canceled. Claims 33-39 have been newly added. Claims 1-14 and 33-39 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 and 33-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Seawright et al. (U.S. 5,920,711) hereinafter referred as Seawright.

As to claim 1, Seawright teaches a method that is suitable for use in connection with a multi- protocol communications analyzer, and the method comprising (abstract):

identifying ports of the multi-protocol communications analyzer (Column 10, lines 43-67);

determining whether one or more of the identified ports are available (Column 10, lines 43-67);

using at least one of any available ports to at least partially define a domain (Column 10, lines 43-67, Column 13, lines 37-45) ; and

configuring at least one port of any domain that was defined in connection with an available port (Column 10, lines 43-67);

wherein the domain is defined such that ports included in the domain appear to share, from a first user perspective, a trigger line and/or a common clock (Column 10, lines 43-67, Column 21, lines 29-51).

As to claim 2, Seawright teaches the method as recited in claim 1, wherein at least a portion of the method is performed by way of a graphical user interface (Column 2, lines 53-63)

As to claim 3, Seawright teaches the method as recited in claim 1, wherein the domain, if any domain was defined, comprises one of: a modified version of a previously existing domain; a new domain (Column 10, lines 43-67).

As to claim 4, Seawright teaches the method as recited in claim 1, further comprising modifying any domain that was at least partially defined in connection with an available port (Column 10, lines 43-67).

As to claim 5, Seawright teaches the method as recited in claim 4, wherein modifying any domain that was at least partially defined in connection with an available port comprises changing the number of ports associated with the domain (Column 10, lines 43-67).

As to claim 6, Seawright teaches the method as recited in claim 1, further comprising displaying information concerning the ports of the multi-protocol communications analyzer (fig. 14).

As to claim 7, Seawright teaches the method as recited in claim 1, further comprising displaying information concerning availability of the ports of the multi-protocol communications analyzer (fig. 14).

As to claim 8, Seawright teaches the method as recited in claim 1, further comprising displaying information concerning a domain (fig. 22).

As to 9, Seawright teaches the method as recited in claim 1, further comprising displaying information concerning port parameters (fig. 14).

As to claim 10, Seawright teaches the method as recited in claim 1, further comprising receiving one of: a domain creation request; a domain modification request (Column 10, lines 43-67).

As to claim 11, Seawright teaches the method as recited in claim 10, further comprising receiving and displaying the name of the domain that is the subject of the received request (fig. 14).

As to claim 12, Seawright teaches the method as recited in claim 1, further comprising receiving port selection input if a port has been determined to be available (Column 10, lines 43-67).

As to claim 13, Seawright teaches the method as recited in claim 1, further comprising receiving port configuration input if a domain has been at least partially defined in connection with an available port (Column 10, lines 43-67).

As to claim 14, Seawright teaches the method as recited in claim 1, further comprising displaying port configuration information if a domain has been at least partially defined in connection with an available port (Column 10, lines 43-67).

As to claim 33, Seawright teaches the method as recited in claim 1, wherein determining whether one or more of the identified ports are available includes determining whether the one or more identified ports are reserved for use by a second user (Column 10, lines 24-35).

As to claim 34, Seawright teaches the method as recited in claim 1, wherein determining whether one or more of the identified ports are available includes determining whether the one or more identified ports are in an error state (Column 6, lines 48-63).

Claims 35-39 do not teach or define any new limitations other than above claims. Therefore, claims 35-39 rejected for similar reasons.

Response to Arguments

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

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/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455